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CERD

International Convention on the Elimination of all Forms of Racial Discrimination

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MEETING OF THE STATES PARTIES
Fourteenth meeting
New York, 15 January 1992
Item 6 of the provisional agenda

RESPONSIBILITIES OF THE STATES PARTIES FOR THE EXPENSES OF THE MEMBERS OF THE COMMITTEE UNDER ARTICLE 8, PARAGRAPH 6, OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Secretary-General

I. BACKGROUND

1. At their 5th meeting held at United Nations Headquarters on 8 January 1976, the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination considered, inter alia, the question of their responsibilities under article 8, paragraph 6, of the Convention, for the travel and subsistence expenses of the 18 members of the Committee on the Elimination of Racial Discrimination (CERD), and in that connection examined the method of apportioning the estimated annual expenses of the members of the Committee among the States parties to the Convention.

2. At that meeting, the States parties decided by consensus that "the future apportioning of the estimated annual expenses of the members of the Committee on the Elimination of Racial Discrimination among the States parties to the Convention should be carried out on the basis of the method currently applied" (CERD/SP/7).

3. The phrase "method currently applied" in the above-mentioned decision refers to an earlier decision of the States parties at their first meeting, held in August 1969, which provided that "50 per cent of the expenses of the members of the Committee shall be apportioned equally among the States parties and the other 50 per cent shall be apportioned proportionately on the basis of the scale of assessment of the United Nations regular budget" (CERD/SP/3, decision (c)). In accordance with article 8, paragraph 6, of the Convention, "the States parties shall be responsible for the expenses of the members of

the Committee while they are in performance of Committee duties". Such expenses are apportioned among the States parties in accordance with the above-mentioned formula.

4. The States parties also confirmed at that meeting a previous agreement that, in accordance with normal United Nations practices, any overassessment or underassessment made against a State party in a particular year would be credited to or debited against the assessment of that State party two years later.

5. At their 9th meeting, held at United Nations Headquarters on 20 January 1984, the States parties decided that Namibia should not be assessed for any share of the expenses of the Committee.

6. At their 10th to 13th meetings, held at United Nations Headquarters on 17 January 1986, 29 April 1987, 15 January 1988 and 16 January 1990 respectively, the States parties appealed strongly to all States parties to fulfil their financial obligations under article 8, paragraph 6. In this connection, the annex to the present report shows those States parties with assessments outstanding at 31 December 1991 for years prior to 1992.

7. At its forty-fifth session, the General Assembly considered the report of the Secretary-General concerning the question of financing the expenses of the members of the Committee (A/45/579) and adopted resolution 45/88 of 14 December 1990, in which the Assembly, inter alia, recalling the urgent appeals made by the Secretary-General, the Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention, expressed its profound concern at the fact that a number of States parties to the Convention had still not fulfilled their financial obligations, which had led to the cancellation of the spring 1990 session of the Committee; expressed once again its concern that such a situation had led to further delay in discharging the substantive obligations of the Committee under the Convention; strongly appealed to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their oustanding contributions and, if possible, their contributions for 1991 before 1 February 1991, so as to enable the Committee to meet regularly. The Assembly also requested the Secretary-General to seek to obtain, at the earliest opportunity, the concurrence of the States parties to the Convention to the establishment of a "contingency reserve fund", as envisaged in Commission on Human Rights resolution 1990/25 of 27 February 1990; invited the Secretary-General to explore other possibilities of establishing a more secure basis for future financing of all the costs of the Committee; and requested the Secretary-General to invite those States parties which were in arrears to pay the amounts concerned and to report thereon to the General Assembly at its forty-sixth session.

8. Pursuant to the General Assembly's request, the Secretary-General, by a note verbale dated 14 May 1991, transmitted to the 128 States parties to the Convention an aide-mémoire outlining the modalities for establishing a more secure basis for financing the expenses of the members of CERD and invited

them to submit their replies to the proposal contained in the aide-mémoire by 31 August 1991.

9. As at 31 December 1991, 21 replies had been received. Seventeen States parties agreed to the establishment of a "contingency reserve fund". However, four States parties did not concur with the proposal. Therefore, in the absence of unanimous agreement, it was recommended that the question be placed on the agenda of the next meeting of States parties to the Convention to be held in January 1992.

10. At its forty-sixth session the General Assembly, by resolution 46/111 of 17 December 1991, invited States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of those treaties. In this connection the attention of the States parties should be drawn to document CERD/SP/44 on the consideration of the request for revision of article 8, paragraph (b), of the International Convention on the Elimination of All Forms of Racial Discrimination.

II. SUMMARY OF PRIOR YEAR ASSESSMENTS AND EXPENDITURES

11. For the information of the States parties, the following table summarizes the travel and subsistence expenses incurred by the members of the Committee in the three previous financial years:

(In United States dollars)

Year	Number of States parties assessed for expenses a/	Gross assessment	Disbursements	Over-(under) assessments
Twentieth financial year, 1 January-31 December 1989	125	185 626	149 213	36 413
Twenty-first financial year, 1 January-31 December 1990	123	239 500	100 480	139 020
Twenty-second financial year, 1 January-31 December 1991	128	238 800	197 778 b/	41 022

a/ By decision of the States parties at their ninth meeting, Namibia is not assessed.

b/ Based on the statement of income and expenditure for the period ended 30 November 1991.

III. CURRENT FINANCIAL STATUS

12. As shown in the annex to the present report, an amount of $169,638 in assessments receivable for 1991 and prior years remained oustanding from 68 States parties as at 31 December 1991. The States parties in arrears are urged to fulfil their obligations and pay all outstanding amounts without further delay.

13. Notices of assessment for the twenty-second financial year (1992) were sent out in January 1992. The annex shows that $91,820 is due for that period. That amount is based on the estimated cost of two sessions in 1992 for an amount of $248,920 less the 1990 surplus of $157,100 (1990 gross assessment ($239,500), less 1990 expenditures ($100,500) plus interest and other income earned ($18,100)).

IV. MEETINGS AND ESTIMATED ASSESSMENTS

14. The calendar of conferences as approved by the General Assembly in resolution 46/190 shows the following dates and venues for meetings of CERD in 1992 and 1993:

(a) Forty-first session: 2-20 March 1992, Geneva;

(b) Forty-second session: 3-21 August 1992, Geneva;

(c) Forty-third session: 1-19 March 1993, Geneva;

(d) Forty-fourth session: 2-20 August 1993, Geneva.

15. The expenses of the members of the Committee for the twenty-third (1992) and twenty-fourth (1993) financial years are estimated as follows:

	1992 (Twenty-third financial year)		1993 (Twenty-fourth financial year)	
	Forty-first session (Geneva)	Forty-second session (Geneva)	Forty-third session (Geneva)	Forty-fourth session (Geneva)
	$	$	$	$
Travel	36 160	36 160	37 570	37 570
Subsistence	88 300	88 300	91 744	91 744
Total	124 460	124 460	129 314	129 314

The amounts shown above for the forty-first and forty-second sessions were calculated on the basis of round-trip air fares between the home countries of the current members of the Committee and Geneva using established United Nations standards of travel and standard rates of daily subsistence allowance in effect during December 1991, incremented by 40 per cent. The estimates for the forty-third and forty-fourth sessions were calculated by applying a projected 3.9 per cent rate of inflation to the 1992 Geneva amount. Accordingly, the gross assessments against the States parties for the expenses of the members of the Committee would amount to $248,920 for the twenty-third financial year and $258,628 for the twenty-fourth financial year. Those amounts would be adjusted by any surplus or deficit from the twenty-first and twenty-second years, respectively.

Annex

ASSESSMENTS FOR 1992 AND ASSESSMENTS OUTSTANDING AT 31 DECEMBER 1991 FOR PRIOR YEARS

(In United States dollars)

State party	1992 net assessment	Prior years arrears	Total
Afghanistan	362	986	1 348
Algeria	494	0	494
Antigua and Barbuda	362	0	362
Argentina	690	1 751	2 441
Australia	1 472	0	1 472
Austria	961	0	961
Bahamas	370	0	370
Bahrain	1 035	0	1 035
Bangladesh	362	514	876
Barbados	362	0	362
Belarus	573	853	1 426
Belgium	1 052	0	1 052
Bolivia	362	0	362
Botswana	362	0	362
Brazil	1 792	0	1 792
Bulgaria	431	0	431
Burkina Faso	362	6 268	6 630
Burundi	362	8 537	8 899
Cambodia	362	1 882	2 244
Cameroon	362	580	942
Canada	2 841	0	2 841
Cape Verde	362	6 800	7 162
Central African Republic	362	7 422	7 784
Chad	362	0	362
Chile	418	588	1 006

State party	1992 net assessment	Prior years arrears	Total
China	938	0	938
Colombia	443	0	443
Congo	362	2 235	2 597
Costa Rica	349	3 540	3 889
Côte d'Ivoire	370	1 567	1 937
Cuba	425	0	425
Cyprus	370	0	370
Czechoslovakia	648	0	648
Denmark	817	0	817
Dominican Republic	357	3 166	3 523
Ecuador	378	535	913
Egypt	409	0	409
El Salvador	362	6 800	7 162
Ethiopia	362	514	876
Fiji	362	0	362
Finland	883	0	883
France	4 783	0	4 783
Gabon	357	535	892
Gambia	362	7 469	7 831
Germany	6 254	0	6 254
Ghana	362	0	362
Greece	567	0	567
Guatemala	370	1 019	1 389
Guinea	362	542	904
Guyana	362	0	362
Haiti	362	1 388	1 750
Holy See	362	514	876
Hungary	457	0	457
Iceland	378	0	378
India	626	0	626

State party	1992 net assessment	Prior years arrears	Total
Iran (Islamic Republic of)	1 066	328	1 394
Iraq	469	1 213	1 682
Israel	561	1 388	1 949
Italy	4 136	0	4 136
Jamaica	362	514	876
Jordan	362	0	362
Kuwait	501	0	501
Lao People's Democratic Republic	362	0	362
Lebanon	362	4 460	4 822
Lesotho	362	986	1 348
Liberia	362	6 777	7 139
Libyan Arab Jamahiriya	492	1 561	2 053
Luxembourg	401	0	401
Madagascar	362	986	1 348
Maldives	362	0	362
Mali	362	9 488	9 850
Malta	362	0	362
Mauritania	362	1 923	2 285
Mauritius	362	514	876
Mexico	974	0	974
Mongolia	362	514	876
Morocco	365	0	365
Mozambique	362	4 735	5 097
Nepal	362	514	876
Netherlands	1 348	0	1 348
New Zealand	544	0	544
Nicaragua	362	1 882	2 244
Niger	362	2 388	2 750
Nigeria	512	1 387	1 899
Norway	789	0	789

State party	1992 net assessment	Prior years arrears	Total
Pakistan	401	0	401
Panama	370	1 370	1 740
Papua New Guinea	362	0	362
Peru	401	2 068	2 469
Philippines	384	623	1 007
Poland	610	0	610
Portugal	538	0	538
Qatar	393	556	949
Republic of Korea	1 504	736	2 240
Romania	463	1 356	1 819
Russian Federation	7 059	11 090	18 149
Rwanda	362	514	876
Saint Lucia	993	0	993
Saint Vincent and the Grenadines	362	6 275	6 637
Senegal	362	0	362
Seychelles	362	514	876
Sierra Leone	362	8 297	8 659
Solomon Islands	362	1 882	2 244
Somalia	362	6 666	7 028
Spain	1 959	0	1 959
Sri Lanka	362	0	362
Sudan	362	3 148	3 510
Suriname	362	2 722	3 084
Swaziland	362	1 536	1 898
Sweden	1 105	0	1 105
Syrian Arab Republic	385	0	385
Togo	362	1 005	1 367
Tonga	362	436	798
Trinidad and Tobago	393	1 108	1 501
Tunisia	378	0	378

State party	1992 net assessment	Prior years arrears	Total
Uganda	362	2 388	2 750
Ukraine	1 198	1 828	3 026
United Arab Emirates	546	0	546
United Kingdom of Great Britain and Northen Ireland	4 534	0	4 534
United Republic of Tanzania	362	1 536	1 898
Uruguay	385	545	930
Venezuela	639	0	639
Viet Nam	362	1 882	2 244
Yemen	(270)	1 194	924
Yugoslavia	635	800	1 435
Zaire	362	0	362
Zambia	362	0	362
Zimbabwe	993	0	993
	91 820	169 638	261 458

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CONSIDERATION OF THE REQUEST FOR REVISION OF ARTICLE 8, PARAGRAPH 6, OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Note by the Secretary-General

1. The delayed payment or non-payment of financial assessments by a significant number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination has seriously impeded the functioning of the Committee on the Elimination of Racial Discrimination for several years and has given rise to widespread concern about the ability of the Committee to carry out its important responsibilities in a normal and efficient manner. As a result, the independent expert who carried out a study on "Possible long-term approaches to enhancing effective operation of existing and prospective bodies established under United Nations human rights instruments" (A/44/668) and the third meeting of persons chairing human rights treaty bodies (A/45/636) recommended that consideration be given to providing full funding from the regular budget of the United Nations for the operation of all treaty bodies. This recommendation was noted with interest by the General Assembly in its resolution 45/85 of 14 December 1990.

2. The Commission on Human Rights, by its resolution 1991/20 of 1 March 1991, requested the Secretary-General to submit to the General Assembly at its forty-sixth session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies. The report of the Secretary-General requested by the Commission on Human Rights noted that it appeared necessary to invoke the

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* CERD/SP/41.

amendment provisions in the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment if responsibility for funding the activities of the two treaty bodies concerned were to be formally vested in the United Nations (A/46/650, para. 7).

3. The General Assembly, by its resolution 46/111 of 17 December 1991, welcomed the report of the Secretary-General; endorsed the recommendation, made in October 1990, of the meeting of persons chairing the human rights treaty bodies, that the General Assembly should take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget; and invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degarding Treatment or Punishment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties.

4. In a letter dated 21 November 1991 addressed to the Secretary-General, the Acting Minister for Foreign Affairs and Trade of Australia drew attention to the request by the Government of Australia for an amendment to the International Convention on the Elimination of All Forms of Racial Discrimination pursuant to article 23 thereof. The Government of Australia also proposed, at that time, how the amendment might be considered by the States parties to the Convention (A/C.3/46/5, annex and appendix).

5. By its decision 46/428 of 17 December 1991, the General Assembly decided to request the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider the amendment proposed by the Government of Australia at their meeting in January 1992 and to request the meeting of States parties to limit the scope of any revision of the Convention to the question of arrangements for meeting the expenses of members of the Committee while they are in performance of Committee duties as provided for in article 8, paragraph 6, of the Convention.